

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

Claudette

OFFICE OF
MANAGING DIRECTOR

NOV 7 2002

Ellen Mandell Edmundson
Smithwick & Belendiuk, PC
5028 Wisconsin Avenue, N.W.
Washington, D.C. 20016

RE: Request for Waiver of 2002
Regulatory Fees
Fee Control No. 00000RROG-02-091

~~Dear~~ Ms. Edmundson:

This is in response to the request for waiver of Fiscal Year **(FY) 2002** regulatory fees, filed on behalf of Runnels Broadcasting **System, LLC** (Runnels). In your petition, you state that on July 16, 2002, Runnels filed a voluntary petition for reorganization pursuant to the provisions of Chapter 11 of the U.S. Bankruptcy Code in the U.S. Bankruptcy Court - District of New Mexico.

The Commission will ~~grant~~ waivers of its regulatory ~~fees on~~ a sufficient ~~showing~~ of financial hardship. Evidence of bankruptcy or receivership ~~is sufficient to~~ establish financial hardship. See Implementation of Section 9 of the Communication Act, 10FCC Rcd **12759, 12761-62 (1995)** (waivers granted for licensees whose stations are bankrupt, undergoing Chapter 11 reorganization, or in receivership). You have submitted information showing that Runnels ~~has~~ been the subject of Chapter 11 bankruptcy proceedings since July 16, 2002. Therefore, your request for waiver of the **FY 2002** regulatory fees for Runnels is granted.

If you have any questions concerning **this** matter, please contact the Revenue & Receivables Operations Group at **(202) 418-1995**.

Sincerely,



for **Mark A. Reger**
Chief Financial Officer

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARYBefore the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
 RUNNELS BROADCASTING SYSTEM, LLC,)
 Debtor in possession)
)
 Request for Waiver of FY **2002** Regulatory Fee)
 KPSA(AM), Roswell, **NM** (Facility ID **14926**))
 KPSA-FM, Carlsbad, NM (Facility ID **77842**))
 KRSY(AM), Alamogordo, NM (Facility ID **14029**))
 KRSY-FM, LaLuz, **NM** (Facility ID **14028**))
 KNMZ(FM), Alamogordo, **NM** (Facility ID **14030**))
 KNFT(AM), Bayard, **NM** (Facility ID **28125**))
 KNFT-FM, Bayard, **NM** (Facility ID **28126**))
 KQTN(FM), Lordsburg, **NM** (Facility ID **29027**))

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2002 SEP 25 P 3:08
ACCOUNT PROCESSING
GROUP-DPT/RP/TMT

To: The Managing Director

REQUEST FOR WAIVER OF FY 2002 REGULATORY FEE

Runnels Broadcasting System, LLC, debtor in possession ("the DIP"), licensee of the above-captioned radio broadcasting stations and associated auxiliary facilities, by its attorney and pursuant to Section 1.1166 of the Commission's rules, hereby respectfully requests the Office of the Managing Director ("OMD") to waive the DIP's FY **2002** annual regulatory fee obligation, based on financial hardship.

In support hereof, the following is respectfully shown:

The **DIP** is in Chapter 11 bankruptcy before the U.S. Bankruptcy Court – District of New Mexico (Case No. **11 02-14217SR**). Exhibit 1 hereto is a copy of the bankruptcy petition.

Section 1.1166 of the Commission's rules provides for regulatory fee **waivers** where in the public interest and for good cause shown. Under current Commission

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policy, regulatory fee waivers will be granted upon a sufficient showing of financial hardship.’ The Commission has stated that evidence of bankruptcy or receivership is sufficient to establish financial hardship.²

It is respectfully submitted that, in accordance with the foregoing policy, the bankruptcy petition attached hereto demonstrates the DIP’s financial hardship **and** that there is good cause to grant the instant waiver request. In addition, grant of the instant waiver request will serve the public interest by preserving assets of the DIP that will accrue to innocent creditors?

WHEREFORE, the premises considered, the **DIP** respectfully requests grant of the instant request for and waiver of its FY2002 regulatory fee obligation.

Respectfully submitted,

RUNNELS BROADCASTING SYSTEM, LLC,
Debtor in possession

By: 
Ellen Mandell Edmundson
Its Attorney

Smithwick & Belendiuk, PC
5028 Wisconsin Avenue, N.W.
Washington, D.C. 20016
(202) 363-4050

September 23, 2002

¹ *Memorandum Opinion and Order*, “Implementation of **Section 9** of the Communications Act,” 10 FCC Rcd 12759 at para. **14** (1995) (“*MO&O*”).

² *Id.*

³ *Mobilemedia Corporation*, 14 FCC Rcd 8017 (1999). Although the *Mobilemedia* licensee sought waiver of application filing **fees** rather than annual regulatory fees, the public policy to be served – preservation of assets that will accrue to innocent creditors – is the same.

Exhibit 1

(Official Form 1) (2/01)

FORM BI

United States Bankruptcy Court District of New Mexico

Voluntary Petition

Name of Debtor (if individual, enter Last, First, Middle):
Runnels Broadcasting Systems, LLC.

Name of Joint Debtor (Spouse) (Last, First, Middle):

All Other Names used by the Debtor in the last 6 years
(include married, maiden, and trade names):

All Other Names used by the Joint Debtor in the last 6 years
(include married, maiden, and trade names):

Soc. Sec. Tax I.D. No. (if more than one, state all):
74-2852968

Soc. Sec. Tax I.D. No. (if more than one, state all):

Street Address of Debtor (No. & Street, City, State & Zip Code):
**323 South Main Street
Roswell, NM 88201-1981**

Street Address of Joint Debtor (No. & Street, City, State & Zip Code):
17-02-14217-SR

County of Residence or of the
Principal Place of Business: **Chaves**

County of Residence or of the
Principal Place of Business:

Mailing Address of Debtor (if different from street address):
**P.O. Box 1981
Roswell, NM 88201-1981**

Mailing Address of Joint Debtor (if different from street address):

Location of Principal Assets of Business Debtor
(if different from street address above):

Information Regarding the Debtor (Check the Applicable Boxes)

Venue (Check any applicable box)

- ☒ Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.
- ☐ There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.

Type of Debtor (Check all boxes that apply)

- ☐ Individual(s) ☐ Railroad
☐ Corporation ☐ Stockbroker
☐ Partnership ☐ Commodity Broker
☒ Other

Nature of Debts (Check one box)
☐ Consumer/Non-Business ☒ Business

- Chapter 11 Small Business (Check all boxes that apply)
☐ Debtor is a small business as defined in 11 U.S.C. § 101
☐ Debtor is and elects to be considered a small business under 11 U.S.C. § 1121(c) (Optional)

Chapter or Section of Bankruptcy Code Under Which
the Petition is Filed (Check one box)

- ☐ Chapter 7 ☒ Chapter 11 ☐ Chapter 13
☐ Chapter 9 ☐ Chapter 12
☐ Sec. 304 - Case ancillary to foreign proceeding

Filing Fee (Check one box)

- ☒ Full Filing Fee attached
☐ Filing Fee to be paid in installments (Applicable to individuals only.)
Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form No. 3

Statistical/Administrative Information (Estimates only)

- ☐ Debtor estimates that funds will be available for distribution to unsecured creditors.
☒ Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.

Estimated Number of Creditors

1-15	16-49	50-99	100-199	200-499	500 or more
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Estimated Assets

\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Estimated Debts

\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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RUNNELS BROADCASTING

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SENT By: JENNIE BEHLE

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Voluntary Petition

(This document is to be filed in the bankruptcy court.)

Prior Bankruptcy Case Filed Within Last 6 Years (If none, sign and attach statement)	
Location	Case Number
Debtor's Name	Date Filed
Chapter	Relationship
Signature of Debtor(s) (To be completed if debtor is an individual)	
Signature of Attorney for Debtor(s) (To be completed if debtor is an individual)	
Telephone Number (If not represented by attorney)	

Signature of Attorney for Debtor(s) J.D. Behle & Associates, A Corporation, PC P.O. Box 440 Albuquerque, NM 87106-0440	Signature of Attorney for Debtor(s) J.D. Behle & Associates, A Corporation, PC P.O. Box 440 Albuquerque, NM 87106-0440
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Signature of Debtor(s) (To be completed if debtor is an individual) Signature of Attorney for Debtor(s) Signature of Attorney for Debtor(s) Signature of Attorney for Debtor(s)	Signature of Debtor(s) (To be completed if debtor is an individual) Signature of Attorney for Debtor(s) Signature of Attorney for Debtor(s) Signature of Attorney for Debtor(s)
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